

U.S. Department of the Treasury

Financial Crimes Enforcement Network

Plan for Hiatus in Appropriation

- The Anti-Deficiency Act, 31 U.S.C. 1341 and 1342, severely restricts the conduct of business by agencies during a hiatus of appropriations.
- Summary of Hiatus in appropriation Impacts (as required by OMB Circular A-11):

1. Estimated time to complete shutdown of non-excepted activities	Not in excess of a half day
2. Number of employees expected to be on board prior to implementation of shutdown plan	317
3. Number of employees to be retained due to: a. Funded by other than annual appropriated funds b. Engaged in military, law enforcement, or direct provision of health care activities c. Necessary for protection of life and property d. Authorized by necessary implication e. Discharge of President's constitutional duties	2 15 6
4. Total number of excepted employees	23

- There will be approximately 317 FinCEN employees, 40 detailees, and 75 contractors on-board prior to implementation of the hiatus in appropriation plan. Those employees assigned to FinCEN who are on other agencies' payrolls will discontinue work in accordance with the hiatus in appropriation plans of their employing agencies. Notification of a possible hiatus in appropriation will be provided to contract personnel by the Office of Acquisition Management.
- It will take approximately one-half day to complete the required actions related to a hiatus in appropriation of non-excepted activities. There will initially be approximately 23 employees designated as excepted. An additional 22 employees may be designated as excepted, bringing the total to 45 employees, as required to provide investigative support to law enforcement functions designated as excepted during a hiatus in appropriation period. These individuals will provide financial intelligence support to law enforcement investigations, address dissemination issues, continue computer operations to prevent loss of data, maintain minimal telecommunications, and provide support to excepted functions. Of these exceptions, two positions are funded by other than annual appropriated funds.

- There will be approximately 272 employees designated as non-excepted. FinCEN will suspend responses to foreign financial intelligence unit (FIU) requests to exchange information in support of foreign law enforcement investigations. FinCEN will also defer all on-going efforts to issue regulations and guidance/outreach to industry, and industry based money laundering trends and patterns related to BSA regulatory policy issues. FinCEN will defer efforts on a number of on-going efforts to develop geographic and industry assessments, comprehensive reference materials, and other strategic analysis efforts. Finally, FinCEN will curtail efforts related to the modernization of the BSA government-wide system used by over 300 law enforcement and regulatory agencies at the Federal, State and local level. There will be an additional list of employees, as explained above, that will be maintained with updated emergency contact information in the event of recall from furlough due to workload demands.
- Upon official notification of a hiatus in appropriation, Human Resources will send a memorandum to all employees providing updated Office of Personnel Management (OPM) guidance on furloughs, including information on benefits. In addition, the Management Programs Division will provide updated information as it becomes available. The furlough notices will be issued thru the Associate Directors to FinCEN employees. Once OMB through Treasury has notified FinCEN that there is a hiatus in appropriation, all normal operations will cease and all further efforts will be devoted solely to closing down operations, protecting government property, providing support to law enforcement activities, and notification of employees on leave, in travel status or at temporary duty stations.
- In cases of hiatus in appropriation, annual, sick, court or military leave which has been approved for the furlough period is cancelled. The OPM may issue supplemental guidance on leave status as required by individual situations.
- Employees on leave will be notified by their respective immediate supervisor as to the hiatus in appropriation procedures that leave is cancelled. Employees in travel status or at temporary duty stations will be notified whether to return home due to the hiatus in appropriations or to continue with their off-site business. This communication will be through emergency contact information maintained and followed by a formal notice by mail.
- Personnel from the Management Programs Division will be responsible for assisting and ensuring the handling of budget matters related to the hiatus in appropriations, the processing of critical personnel, payroll actions and employee notifications, and acquisition issues. The Chief Counsel will address disclosure issues.
- Employees will be advised to follow media reports and contact established FinCEN and/or Treasury Hotlines to receive information regarding the budget negotiations, and

should contact the FinCEN and/or Treasury hotlines to determine when they are expected to return to work.